Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

144-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

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144-30 - SPECIAL PUBLIC ACCESS AREA REGULATIONS

LAST AMENDED12/15/2021

Within the #Special Brooklyn Navy Yard District#, public access areas shall be provided in connection with #developments# or #enlargements# located within the Subareas identified in this Section, inclusive, as applicable. For the purposes of determining the amount of public access area required in the Navy Street Central Subarea, the Barge Basin East Subarea, and the Barge Basin West Subarea, each such Subarea shall be deemed a single #zoning lot#.

144-31 - Required Public Access Areas

LAST AMENDED12/15/2021

Mandatory public access areas in connection with any #development# or #enlargement# shall be provided in accordance with the provisions of paragraphs (a) through (c) of this Section. The phasing of public access areas shall be permitted in accordance with paragraph (d). #Developments# or #enlargements# that are exempt from public access area requirements are set forth in paragraph (e).

(a) Navy Street Central Subarea

A public access area in an amount equal to at least 15 percent of the #lot area# of the Navy Street Central Subarea shall be provided within the boundaries of such Subarea. The required public access area shall have a minimum dimension, in all directions, of 50 feet for at least 80 percent of the public access area and shall have no dimension of less than 30 feet for the remainder of the required public access area.

(b) Flushing East Subarea

A public access area with a minimum depth of 50 feet, as measured perpendicular to the #street line# of Flushing Avenue, shall be provided within the boundaries of such Subarea along the entire length of the #street wall line# adjacent to the #development# or #enlargement#, and shall extend to the nearest view corridors depicted on Map 4 (Flushing Avenue Subareas and View Corridors) of this Chapter, and for #developments# or #enlargements# located east of the Waverly Avenue view corridor, to the boundary of the prolongation of Washington Avenue.

(c) Barge Basin East and West Subareas

A public access area in an amount of at least 30 percent of the #lot area# of Barge Basin East Subarea, and a public access area in an amount of at least 20 percent of the #lot area# of Barge Basin West Subarea shall be provided within such respective Subareas.

Such public access areas shall consist of:

(1) in the Barge Basin East Subarea, a pedestrian esplanade with a seaward edge contiguous with the eastern edge of the #Barge Basin# and a minimum width of 40 feet, as measured perpendicular to such edge, and in the Barge Basin West Subarea, a pedestrian esplanade with a seaward edge contiguous with the western edge of the #Barge Basin# and a minimum width of 50 feet, as measured perpendicular to such edge;

(2) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 30 feet located along the shared boundary between the Barge Basin East Subarea and the contiguous property to the northeast connecting the Kent Avenue and the eastern portion of the pedestrian esplanade required by this Section;

(3) in the Barge Basin East Subarea, a pedestrian connection with a minimum width of 60 feet, located within 150 feet of the southern boundary of the Barge Basin East Subarea and connecting Kent Avenue and the pedestrian esplanade required by this Section;

(4) in the Barge Basin West Subarea, an esplanade entry area at the southern end of the Barge Basin West Subarea, having a minimum width of 60 feet and a minimum length of 30 feet measured parallel to the western edge of the #Barge Basin#; and

(5) any supplemental publicly accessible space contiguous to one or more of the elements set forth above as may be required to achieve the required percentage of publicly accessible area.

(d) Public Access Area Phasing

Where the Navy Street, Barge Basin East and Barge Basin West Subareas are #developed# with more than one #building# or #enlarged# in phases, or there is an increase in #building# #lot coverage#, the mandatory public access area may be constructed in phases, provided that, at the completion of each phase by certification of the Chairperson of the City Planning Commission, the following criteria are met:

(1) the square footage of public access area being provided in any phase shall be in proportion to the total public access requirement based on the area of the Subarea being #developed# or #enlarged# as compared to the #lot coverage# of the Subarea. Any public access area provided in an earlier phase in excess of the amount required for such phase may be applied to a later phase;

(2) the public access area being proposed in any phase shall not prevent the total amount of public access area required for a Subarea from being achieved;

(3) any phased portion of the required public access area shall comply with the minimum widths and other dimensions required for the public access areas;

(4) any phased portion of the required public access area shall connect directly to either a #street# or an improved public access area;

(5) in the Barge Basin West Subarea:

(i) public access to be provided shall include the portion of the required public access area located between the #development# or #enlargement# and the #Barge Basin#; and

(ii) where any #development# or #enlargement# included in a phase is located within 100 feet of the southern boundary of the Subarea, the public access area shall also include the required public access area between the southern boundary and the #development# or #enlargement#; and

(6) a proportionate amount of planting shall be included within each phase.

(e) Exceptions to Public Access Area Requirements for Minor Developments

The public access area requirements of paragraphs (a) through (d) of this Section shall not apply to any #development# or #enlargement# where:

(1) the additional #floor area# created through such #development# or #enlargement# in the respective Subarea, as compared to the #floor area# existing on December 15, 2021, does not exceed:

(i) 10,000 square feet in either the Barge Basin East or the Navy Street Central Subareas; or

(ii) 20,000 square feet in either the Barge Basin West or Flushing East Subareas;

(2) such #floor area# is allocated exclusively to #uses# in Use Group 11, 16, 17, or 18; and

(3) such #floor area# is not located within the boundaries of designated public access areas required pursuant to this Section or, if located in the Navy Street Central Subarea, is not within 50 feet of a #street#.

144-32 - Design Requirements

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The required public access areas in each Subarea shall comply with the following provisions:

(a) The required public access area shall be open to the sky, provided that #building# awnings, entrance canopies, solar shading devices, and similar structures attached to an adjoining #building# and extending over the public access area shall be permitted;

(b) The required public access area shall include planted areas in an amount not less than 20 percent of the area of the required open space;

(c) At least one linear foot of seating shall be provided for each 200 square feet of required public access areas, except that for the pedestrian connection required pursuant to paragraph (c)(2) of Section 144-31, at least 12 linear feet of seating for every 100 feet of pedestrian connection

shall be provided; and

(d) Public access area signage complying with the requirements of Section 37-751 (Public space signage systems) shall be located at all entry points to the public access areas.

(e) In the Barge Basin Subdistrict:

(1) the pedestrian esplanade around the #Barge Basin# and the pedestrian connections from Kent Avenue to the eastern pedestrian esplanade shall include a primary circulation path along the length of such elements with a minimum clear width of 10 feet; and

(2) at least three different types of seating shall be provided, which may include moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps.

Additional amenities including pathways, seating steps, entrances to adjoining #buildings#, artwork, maritime or industrial elements, tables, seating above the required minimum, lighting fixtures, litter receptacles, kiosks, children play areas, railings, drinking fountains, water features, planting and trees may be included in the public access areas and shall be permitted obstructions.

144-33 - Hours of Operation

LAST AMENDED12/15/2021

All public access areas shall be open to the public from 6:00 a.m. to 10:00 p.m. from April 15th to October 31st and from 7:00 a.m. to 8:00 p.m. from November 1st to April 14th, except when required to be closed for repairs.

144-34 - Maintenance

LAST AMENDED12/15/2021

The owner of each applicable portion of a Subarea, or a ground tenant if the applicable portion is subject to a ground lease, shall be responsible for the maintenance and operation of the required public access area. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner or ground tenant of a public access area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent areas.

144-35 - Chairperson Certification of Waterfront Compliance and Phasing

LAST AMENDED12/15/2021

No excavation or building permit shall be issued for any #development# or #enlargement# requiring the provision of a public access area in the Navy Street Central Subarea, the Barge Basin East Subarea, or the Barge Basin West Subarea until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Small Business Services, as applicable, that a complete application has been submitted showing compliance with the applicable provisions of Section 144-30, inclusive.

Within 45 days of submission of such complete application, the Chairperson shall either certify that the proposed public access area complies with the requirements of this Section or disapprove such complete application in writing, citing the nature of any failure to comply. Failure to certify or disapprove such complete application within the 45-day period will release the Department of

Buildings or the Department of Small Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

144-36 - Certificates of Occupancy for Developments or Enlargements in Public Access Areas

LAST AMENDED
6/6/2024

No temporary certificate of occupancy shall be issued by the Department of Buildings or Department of Small Business Services for #floor area# in a #development# or #enlargement# resulting in a public access area requirement under Section 144-31 (Required Public Access Areas) without the substantial completion of the public access area required for such #development# or #enlargement#, and no final certificate of occupancy shall be issued prior to the final completion of the required public access area.

Notwithstanding the provisions above, the Department of Buildings or the Department of Small Business Services, as applicable, may issue a temporary certificate of occupancy allowing for #floor area# allocated to #uses# listed under Use Group IV(B), IX or X without the substantial completion of the required public access area, in which case the public access area shall be completed within one year of the issuance of the first such certificate of occupancy. Following such one-year period, no additional #floor area# within the #development# or #enlargement# shall receive a certificate of occupancy until the substantial completion of the required public access area.